

REMARKS

Claims 1, 12, and 14 have been amended, claims 2 and 11 have been cancelled, and claims 22 and 23 have been added.

Allowed Claims

Applicants gratefully acknowledge the allowance of claims 12 and 14-21.

Rejections Under 35 U.S.C. § 102(b)

Claims 1, 5, 6, 8, 10, and 11 stand rejected as anticipated by DE 19845761 ("the '761 patent"). Claims 2, 3, and 7 stand objected to. The Examiner had indicated that the subject matter of claim 2 would be allowable if re-written in independent form. Claim 1 has been amended to incorporate the limitations of claim 2, as well as removing some limitations. As amended, claim 1 contains all the limitations of original claim 2, which the Examiner had allowed in the first Office Action. Thus, claim 1 is allowable over the prior art of record. New claim 22 is identical to original claim 9 and is dependent from claim 1. New claim 23 re-writes original claim 7 in independent form. Therefore, claim 1; dependent claims 3, 5-8, 10, and 22; and claim 23 are in condition for allowance.


Claim 12 has been amended to add the limitation that the refractory composition includes about 65 to about 80 wt % alumina, about 7 to about 15 wt % zirconia, and about 10 to about 20 wt % silica, and to remove the limitation relating to the composition of the first set of components. The composition ranges in amended claim 12 are not taught in any of the prior art of record, except for some apparent overlap with compositions disclosed in the '761 patent. Amended claim 12 requires the step of forming the refractory composition on the surface of a glass melting furnace. The '761 patent is directed to furniture components such as rolls, beams, and plates, and makes

no reference to forming the refractory composition on the surface of a glass melting furnace. As described in the present application, the claimed refractory may be formed directly on the wear portion of a glass tank without the replacement of refractory blocks. (¶ 18). The '761 patent does not teach or suggest forming the refractory composition on the surface of a glass melting furnace. Thus, claim 12, and dependent claims 14-19, are allowable over the prior art of record.

SUMMARY

Applicants believe the present application is now in condition for allowance. If the Examiner has any remaining issues, he is invited to contact the undersigned attorney for the Applicant via telephone if such communication would expedite this application.

Respectfully submitted,



Joseph A. Yosick
Registration No. 51,062
Attorney for Applicant

BRINKS HOFER GILSON & LIONE
P.O. BOX 10395
CHICAGO, ILLINOIS 60610
(312) 321-4200